

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                       |   |                           |
|-----------------------|---|---------------------------|
| DEBORAH WALTON,       | ) |                           |
|                       | ) |                           |
| Plaintiff,            | ) |                           |
|                       | ) |                           |
| v.                    | ) | No. 1:21-cv-00365-JPH-TAB |
|                       | ) |                           |
| BMO HARRIS BANK N.A., | ) |                           |
| EQUIFAX INC.,         | ) |                           |
| EXPERIAN,             | ) |                           |
| TRANS UNION,          | ) |                           |
|                       | ) |                           |
| Defendants.           | ) |                           |

**ORDER ON STIPULATION OF DISMISSAL**

Plaintiff, Deborah Walton, and Defendant Experian have filed a joint stipulation of dismissal with prejudice, which requests that "if necessary, the Court retain jurisdiction of this matter to enforce the terms of their settlement agreement." Dkt. 44 at 1. However, "a district judge cannot dismiss a case with prejudice, thus terminating federal jurisdiction, yet at the same time retain jurisdiction to enforce the parties' settlement that led to the dismissal with prejudice." *Shapo v. Engle*, 463 F.3d 641, 643 (7th Cir. 2006).

Any motion for the Court to retain jurisdiction and dismiss Ms. Walton's claim against Experian without prejudice **SHALL BE FILED by May 28, 2021**. If neither party files such a motion, the Court will dismiss the claim with prejudice and will not retain jurisdiction. *See Jones v. Ass'n of Flight Attendants-CWA*, 778 F.3d 571, 573 (7th Cir. 2015) ("A disagreement about whether parties to a settlement have honored their commitments is a contract dispute" that "arise[s] under state law.").

**SO ORDERED.**

Date: 5/14/2021



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

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